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Impact of Beverage Alcohol on the Criminal Justice System: A Pilot Study

By

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and
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Provincial
Secretariat
for Justice

The Honourable John P. MacBeth, Q.C.,
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This report is the result of an Experience '76 summer project. It was developed and conducted during a four-month period by the authors, two graduate students working under the supervision of Leah R. Lambert of the staff of the Secretariat for Justice. The study was designed as part of an information gathering process in the area of alcohol policy, and was possible only through the cooperation, assistance and advice of a great many people. These include, among others, Staff Sergeant John Grivich and Staff Inspector Bruce Sanderson of the Hamilton-Wentworth Regional Police; Mr. John Flis, Court Administrator, Criminal Division, Hamilton; Mr. John Takach, Crown Attorney, Hamilton; Mr. R. D. Phillipson, Superintendent, Hamilton Jail; Mr. John Mildon, Supervising Probation & Parole Officer, Hamilton; Dr. Lowell Gerson, Associate Professor, McMaster University, Department of Clinical Epidemiology and Biostatistics, and his research assistant, Mr. Michael Savidis; and Mr. Don Smith, Mr. Garth Toombs and Dr. Helen Annis of the Addiction Research Foundation. The Provincial Secretariat for Justice is most appreciative of the contribution made by all of these people.

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IMPACT OF BEVERAGE ALCOHOL ON THE CRIMINAL JUSTICE SYSTEM: A PILOT STUDY

BACKGROUND

Alcohol policy has been a persistent area of concern to governments as they seek to achieve a reasonable balance between freedom of choice and the consequences of excessive consumption. In Ontario the public has appeared to be ambivalent in its attitude toward beverage alcohol, expecting a wide distribution of a variety of brands and at the same time expressing serious concern about the effects of alcohol on a variety of social and health problems. In the area of alcohol-related criminal activity, this concern has escalated in recent years as a result of many factors. These include the increasing public concern about safety on the streets and control of crime; the increasing financial costs of processing and maintaining people within the criminal justice system; and over-crowding of institutions and court backlogs.

The statistical evidence available across Canada suggests that alcohol has been a factor in various types of crimes, although many alcohol-associated criminal acts may not necessarily be attributable to the effects of the drug. It is generally acknowledged that in addition to the existence of a group of criminal offences directly related to alcohol use, (e.g. public drunkenness, impaired driving, violations of The Liquor Control Act), there is a second group of crimes in which alcohol is shown to be present and may be a factor leading to the commission of the offence, (e.g. homicides, 35%; rape, 29%). In addition, national statistics published by Statistics Canada show many minor crimes (e.g. vagrancy, pan-handling, etc.,) in which alcohol tends to be involved. (Non-Medical Use of Drugs Directorate, 1976.)

Comprehensive policy development concerning beverage alcohol in Ontario requires information about the variety of problems related to alcohol consumption. Within the criminal justice system, information on the impact of alcohol-related crimes on the system's resources can provide a basis for allocating such resources. It is for this reason that the Provincial Secretariat for Justice designated that a pilot project exploring the feasibility of gathering such information be undertaken by two Experience '76 graduate students during a four-month period, May – August, 1976. They were given the task of reviewing research in the field, and compiling some measures of the extent to which alcohol-related offences utilize resources at different levels of the justice system.

RESEARCH REVIEW

A review of research in the area of alcohol and criminality and discussions with social scientists working at the Addiction Research Foundation and the Centre of Criminology, University of Toronto, were undertaken as a first step. Serious conceptual and definitional problems in studying the relationship of alcohol and crime were thus identified. One problem involves the lack of clarity or consistency

in using legal classifications of offences in trying to measure the true nature or severity of crimes. (United Nations, 1970.) This is primarily because the offence titles are not necessarily descriptive of the event. For example, a person charged with willful damage may have been intoxicated during the act, but when apprehended may have shown no indications of this condition; clearly, the offence title does not reflect the circumstances.

Other studies have discussed the difficulties resulting from the use of police and court records in implying that alcohol is a causative factor when it merely is present in criminal occurrences. Kai Pernanon (1976) focuses on violence and concludes that "at the present time, there are no reliable and generalizable data available which would permit an assessment of the relative effects of acute intoxication and the cluster of characteristics that is labelled 'alcoholism' (or the factors that are casually linked to it) on the association between alcoholism and violent crime."

A large number of studies (e.g. Gibbens *et al*, 1970; Mayfield, 1971; Goodwin *et al*, 1971; Guze, 1962) have used prison samples to assess the relationship of alcohol to violent crimes. These studies are not accurate reflections of the relationship between drinking and crime because they apply to a select group of more serious crimes in which persons were apprehended. Studies such as these do not distinguish between alcohol as a cause of crime and alcohol intoxication as a factor in being caught for a crime. Keeping these restrictions in mind, one can attempt to measure the extent to which alcohol is present at the time of the crime and the frequency of situations in which the specific nature of its use is defined as an offence (e.g. public drunkenness).

A study in Pennsylvania (Pennsylvania Crime Commission, 1969) reported that almost half the total arrests were for alcohol abuse offences. Pernanon (1976) summarized findings from a wide variety of studies which discussed proportions of homicide offenders involved with alcohol at the time of offence and found a very wide range in the results, depending on methodological approaches. He concludes, however, that a figure of 50% – 60% "alcohol use by offenders in North America seems sufficiently reliable".

A proposal for a special community project in the Hamilton-Wentworth Region (1976) focused on violence in families. Its study of police records for family dispute calls during late 1974 and early 1975 showed 25% of the calls for disputes involving an "intoxicated" person, with physical injury apparent in 54% of such situations. A count by Statistics Canada of the 2,674 murders reported by the police from 1961 to 1970 showed alcohol to be involved in 928 or 35%. The same source reports that alcohol was present in 29% of the males convicted for rape. In addition, a study by Waller (1974) on male parolees found that the existence of alcohol problems, as reported by parole supervisors, was a significant factor in recidivism for violent acts. A study on the female offender in Ontario (Lambert & Madden, 1975) likewise reported that "women who reported at intake that they used 'alcohol a great deal' tended to recidivate" more than others during the two years following release.

Thus, problems exist in attempting to determine the relationship between alcohol and crime. However, there have been attempts made to identify whether alcohol is present among various categories of offences or offenders. Police records, completed at the time of investigation, are the most likely official source of

information for determining whether alcohol was present and/or appeared to be a factor. Using this source has risks in terms of reliability, but offers more information on the possible impact of beverage alcohol on the criminal justice system than does a narrower approach focusing only on liquor crimes classified in terms of specific types of alcohol abuse.

METHODOLOGY

Acknowledging the limitations involved in this type of investigation along with the necessity to assess the availability of useful information, the objective of the study was narrowed to an assessment of the impact of offences involving alcohol on the criminal justice system in the regional municipality of Hamilton-Wentworth. It was felt that this municipality was large enough to be typical of many urban communities in southern Ontario, but small enough to permit a manageable survey. Senior officials were consulted at the police, court, and corrections levels to discuss the potential data sources. It was then decided to begin with police records and examine all crimes reported on by the police involving adult offenders during a given time period, in order to identify those in which alcohol may have been a factor and to trace these through the courts and correctional system.

It was learned that the Epidemiologic Field Station at McMaster University had recently entered into a co-operative arrangement with the Hamilton-Wentworth Police, allowing for special reporting of trends in specific crime activities. As a result, since April, 1976, the police officers coding occurrence data for police statistics included a code for the presence of alcohol. Arrangements were made for these data also to be shared with the Secretariat for Justice.

However, because the police alcohol code was only present from April, 1976, it was considered unlikely that a significant proportion of these cases would be fully processed through the courts and thus available for analysis during the Experience '76 study period. It was, therefore, decided that occurrences during a six-week period, one year prior to that being analyzed by the McMaster unit, should be reviewed and coded in terms of the presence of alcohol. The cases could further be traced through the court process. April 1 to May 19, 1975, was the period chosen. Subjects were included in the study as suspects if they were listed as such in police records and if a name and birth date were provided. The McMaster study focused on occurrences only, while this study focused on individual suspects, many of whom could have emerged from one occurrence.

The range of offences surveyed in both studies includes most of the laws defined by the Canadian Criminal Code and Ontario Provincial Statutes. However, the following offences or occurrences were not studied: motor vehicle thefts, fraud and forgery, sudden deaths, homicides, missing persons, out-of-town enquiries, stolen bicycles, fire alarms, arson and all traffic offences, including impaired driving. These types of occurrences were excluded because of time constraints, since in most cases they were documented in separate files within the police department. Homicide files were reviewed, but not included because of court appeals.

To determine whether or not alcohol was involved in an occurrence, all General Occurrence Reports during the six-week period were read by the two graduate

students, with some additional assistance provided by an employee of the McMaster research team. One section of the General Occurrence Report contains the written comments of the police officer responding to the scene of an occurrence. If the officer has reason to believe that the suspect had been drinking prior to the occurrence, he is required to make note of this fact in his written comments. It is possible that some suspects may have been drinking, but this fact escaped detection by the police officer. Thus, the estimates of alcohol involvement are probably conservative. The following criteria were used to determine alcohol-relatedness:

1. All offences defined by The Liquor Control Act or The Liquor Licence Act;
2. Occurrences which took place in a licensed premises;
3. Occurrences which took place shortly after the offender or victim left a licensed premises;
4. Occurrences where it was stated in the General Occurrence Report that either the offender or the victim had been drinking or was intoxicated.

Decisions on the alcohol involvement were then made either according to the nature of the offence or by a description of the circumstances. Despite the subjective nature of some of the criteria, coding checks were undertaken and a high degree of inter-code reliability was achieved by the students for this variable. Other information gathered by the General Occurrence Reports pertained to the nature of the offences, standard information of any suspect or victim (e.g. age, sex, etc.,) and the method of police clearance.

All identified adult suspects were classified into one of two groups: (1) the Alcohol Group, which includes all suspects involved in a liquor offence, as well as those involved in another offence category in which alcohol was reported as present; and (2) the Non-Alcohol Group, which includes all suspects involved in offences in which alcohol was not implicated in any way. The Non-Alcohol Group was used for comparison purposes concerning differences between offences with no alcohol present and offences involving evidence of the consumption of alcohol. Comparisons were also made regarding the characteristics of suspects in each category. The demands made on the system's resources, however, were examined primarily for the Alcohol Group.

The nature of offences involving alcohol can vary widely in terms of potential harmfulness to others and impact on the resources of the criminal justice system. It would be misleading to compare offences involving alcohol, consisting of both liquor offences and offences against persons, etc., with the offences having no alcohol involvement. Therefore, offences involving alcohol were subdivided further into two groups: the first includes liquor offences which are defined by alcohol use; the second includes offences in which alcohol consumption was noted and consists of the same range of categories as in the Non-Alcohol Group. In addition, some occurrences in both the Alcohol and Non-Alcohol Groups involved an investigation, after which police determined that no offence had occurred. These were not processed further. Thus, some of the data analysis referring to suspects' characteristics, refers only to confirmed cases and excludes the cases dropped because they were "unfounded". Following is a break-down of the groups studied and the numbers falling into each sub-sample:

TYPES OF OCCURRENCES AND OFFENCES

TOTAL RECORDED OCCURRENCES WITH SUSPECTS

Total Occurrences With No Alcohol Reported	Total Occurrences With Alcohol Involved	TOTAL Occurrences Investigated Involving Suspects
1,245	960	2,205

CONFIRMED OR "ACTUAL" OCCURRENCES*

No Alcohol Reported	Alcohol Reported	TOTAL Only Confirmed Offences With Suspects
1,145	843 *(Liquor Offences Only = 526)*	1,988

**"Confirmed" refers to the police decision that the occurrence report was in fact a criminal occurrence; it has nothing to do with whether or not alcohol was involved.*

Court Data

Information on all suspects in the Alcohol Group who were charged by the Police or by private citizens was obtained from the Hamilton-Wentworth Criminal Court to determine the nature and results of judicial proceedings against them. Those suspects referred to Family Court were not examined further. The "Information", which was the primary source of data obtained at the Criminal Courts, provided a detailed account of the judicial proceedings in each case, along with the verdicts and sentences of the court.

Corrections Data

Time did not permit an in-depth examination of the files of individuals after being sentenced to probation or incarceration, although the sentence information was available in the court administrator's files. Future research could investigate these cases to assess the extent to which they utilized resources after the court level.

RESULTS

The results of this study are presented in two sections. The first compares data collected on the Alcohol Group with the Non-Alcohol Group. The second concentrates on the system's involvement with the Alcohol Group.

Analysis of the data indicates that a substantial amount of police time and effort is devoted to cases in which alcohol was present. During the six-week period under study, the Hamilton-Wentworth Police investigated a total of 2,205 adult suspects for those occurrences included in this study. *A total of 960 (43.5%) of these suspects were involved in offences or suspected offences in which alcohol was present or directly involved.* Further police investigation determined that 117 of these were not actual offences and these cases were concluded. The majority of such occurrences within the Alcohol Group were routine permit checks of premises where alcohol was being sold. (Technically police do not consider such investigations as offences unless violations have been found.)

TABLE 1

THE SOBRIETY OF ADULT SUSPECTS INVESTIGATED FOR ALL OFFENCES (N = 2,205)

	#	%	TOTAL #	TOTAL %
Sober	1,245	(56.5)	1,295	(58.7)
Sober, but victim drinking	50	(2.2)		
Had been drinking	367	(16.6)	910	(41.3)
Intoxicated	543	(24.6)		
TOTAL ALL SUSPECTS			2,205	(100.0)

Of the 910 cases in which the suspects had consumed alcohol, 543, or 60%, were described as being "grossly intoxicated" when interviewed by the police (Table 1). The majority of those grossly intoxicated were then either charged with being drunk in a public place (351), or were taken to a detoxification centre (48). There were 50 cases in which the suspect was sober, but the victim had been drinking. In most of these cases it was difficult to determine what role the victim's behaviour had in the commission of the offence.

Characteristics of Offences

Table 2 below presents descriptive data comparing the occurrences studied in the Hamilton-Wentworth Region in terms of alcohol presence and its absence. The figures include only those cases where the police had confirmed that an offence had taken place, (i.e. "unfounded" cases were excluded).

The total range of offences were grouped into four major categories for the purpose of this analysis: (1) against persons; (2) against property; (3) other miscellaneous offences; (4) liquor offences. (See note below Table 2 for a definition of offences included in each category). The note of caution presented in the section reviewing research is necessary in interpreting these findings: the involvement of alcohol in all but liquor offences cannot be taken to mean a cause and effect situation, but simply that alcohol was reported by police as being present.

Of the 1,985 occurrences with offences confirmed by police, a total of 353, or 18%, were against persons; of these 151, or 43%, involved alcohol. Alcohol was present in 11% of the property offences and 18% of the miscellaneous offences. (See Table 2.)

This study found that suspects of crimes other than liquor offences who were under the influence of alcohol were more likely than sober offenders to have committed offences which involved some form of violence or threatening behaviour. Excluding the 526 liquor offences, results indicate that 47.6% of the suspects in the alcohol group were involved in some kind of offence against the person (e.g. assaults, rapes or other sexual offences), as compared to only 17.7% of the suspects in the non-alcohol group. If property offences involving threats or injuries are added to the 47.6%, then 61.8% of the alcohol group appear to have behaved in a violent or threatening manner. The majority of these cases involved the use of bodily force but not a weapon. However, there were 43 incidents during the six-week period under study where persons reportedly under the influence of alcohol used, or threatened to use, a weapon such as a gun or knife.

In comparison, the McMaster Epidemiological Unit, studying 12,604 occurrences, not necessarily with suspects, for the April – June, 1976 period, reports that 29% of the cases labelled "aggressive behaviour" involved alcohol. However, in specific categories of homicide, marital assault, and rape, they found over 50% of the total cases involved alcohol. "Assault involving injury" included 44% of all the cases which had alcohol involvement. The McMaster Report concludes that "alcohol appears to increase in importance as aggressive behaviour becomes more severe". The 1975 data strengthens this conclusion.

Liquor offences comprise 62.3% of the total 843 offences in the Alcohol Group, and over one-fourth of the total number confirmed offences reported for the period studied. The time which police spend on different categories of offences varies, and it is not suggested that one-fourth of total police time is spent on this type of offence. However, among those offences where alcohol is present, the bulk of demand derives from either offences against persons or liquor offences. Given the seriousness of the first category, this can be assumed to involve a significant effort by police.

TABLE 2

CONFIRMED OFFENCES OF SUSPECTS
IN THE ALCOHOL AND NON-ALCOHOL GROUPS*

OFFENCE GROUPS	OFFENCE CATEGORIES								TOTALS	
	AGAINST PERSONS		AGAINST PROPERTY		MISCEL-LANEOUS		LIQUOR OFFENCES			
	#	%	#	%	#	%	#	%	#	%
ALCOHOL	151	(43)	52	(11)	114	(18)	526	(100)	843	(42)
NON-ALCOHOL	202	(57)	404	(89)	536	(82)	—	—	1142	(58)
TOTALS BOTH GROUPS	353	(100)	456	(100)	650	(100)	526	(100)	1985	(100)

**On this and following tables, totals presented vary because of missing information on some variables.*

Definition of Offence Groups

1. Against the person: includes attempted murder, assault, rape, negligence, other sexual offences.

2. Against property: includes breaking and entering, extortion, forcible entry and detainer, robbery, **and robbery while armed**, arson, theft, possession of stolen goods, and fraud, malicious damage against property, forgery, uttering and currency offences.

3. Miscellaneous Offences: includes such other criminal code offences, offensive weapons, gaming and betting conspiracy, obstruct police, escape, perjury, prostitution, mischief, offences under Narcotic Control Act, Food & Drugs Act, Customs Act, Excise Act, Post Office Act, Immigration Act and Combines Investigation Act.

4. Liquor Offences: drinking under age, having liquor other than in residence, drunk in a public place and other L.C.A. offences.

***Robbery and robbery while armed are considered in some typologies as crimes against persons. A total of 14 such offences are included here, 10 in the Non-Alcohol Group, and 4 in the Alcohol Group.*

Victims

The targets of violent attacks and threats by persons under the influence of alcohol were, more often than not, female. Appendix 'A' gives a breakdown of the sex, marital status, age and sobriety of these victims. It is interesting to note that many of these victims had also been drinking at the time they were assaulted or threatened. A total of 60% of the victims had been drinking, and 23.6% of these persons were described by police as being intoxicated.

Victims of violent attacks or threats by persons under the influence of alcohol varied widely in the severity of their injuries. About 60% of all victims suffered minor injuries, such as sprains, cuts, bruises, or scratches. Many of these persons required brief hospital treatment. A total of 11.2%, or 20 victims, suffered more serious disabling injuries, such as broken bones or serious wounds. Most of these victims required a more extended stay in hospital.

Characteristics of Suspects

Age, sex and prior criminality of suspects were compared to determine whether the alcohol-related group represented a different type of offender than the non-alcohol group. Suspects in crimes where alcohol was present were found to differ from those in non-alcohol related crimes primarily in age, with more older suspects involved in alcohol-related crimes. There were also some differences based on sex, although these only accentuate the greater likelihood of men than women to be suspects in all crimes. Following is more detail on the differences in these areas.

Age

A large proportion (62%) of all crimes were found to be committed by people in their teens or twenties. However, there was a lower proportion of this age group among suspects in crimes with alcohol present than among suspects in offences not involving alcohol. For instance, 393, or 49%, of the suspects in the Alcohol Group were in their teens or twenties compared with 774, or 71%, for the Non-Alcohol Group. Thirty-four percent of the suspects in the Alcohol Group were between ages 30 and 50, compared with only 23% of the Non-Alcohol Group this age. Two and one-half times as many in the Alcohol Group were 50 or over as in the Non-Alcohol Group. (See Table 3 below).

The higher age of suspects in the Alcohol Group is not only a reflection of the inclusion in this group of the chronic drunkenness offender, who tended to be disproportionately represented at the older end of the age scale. With the exclusion of the liquor offences from the Alcohol Group, 54.1% of the remaining suspects fall into the under-30 age group, this being significantly lower than the proportion of the Non-Alcohol Group suspects in the under-30 age category.

TABLE 3
AGES OF SUSPECTS FOR CONFIRMED ALCOHOL AND NON-ALCOHOL-RELATED OFFENCES

AGES IN YEARS	OFFENCE GROUPS					
	NON-ALCOHOL		ALCOHOL		TOTAL	
	#	%	#	%	#	%
16 – 29	774	(70.6)	393	(49.2)	1167	(61.6)
30 – 49	250	(22.8)	268	(33.5)	518	(27.3)
50 & over	72	(6.5)	137	(17.1)	209	(11.0)
TOTALS	1096	(100.0)	798	(100.0)	1894	(100.0)

Sex

As expected, the great majority of suspects were male (87.9%) for all offences regardless of alcohol involvement. However, in comparing the suspects in the alcohol group with those in the non-alcohol group, a significantly higher proportion of males were found within the alcohol group: 93% compared with 84% male in the non-alcohol group. (See Table 4.)

TABLE 4

SEX OF SUSPECTS FOR CONFIRMED ALCOHOL AND NON-ALCOHOL-RELATED OFFENCES

SEX	OFFENCE GROUPS					
	NON-ALCOHOL		ALCOHOL		TOTAL	
	#	%	#	%	#	%
Male	959	(83.8)	787	(93.4)	1746	(87.9)
Females	185	(16.2)	56	(6.4)	241	(12.1)
TOTALS	1144	(100.0)	843	(100.0)	1987	(100.0)

$x^2 = 41.3$ df = 1 $p < 0.001$

TABLE 5

SEX OF SUSPECTS FOR CONFIRMED OFFENCES, INVOLVING ALCOHOL, EXCLUDING LIQUOR OFFENCES, COMPARED WITH NON-ALCOHOL OFFENCES*

SEX	OFFENCE GROUPS					
	NON-ALCOHOL		ALCOHOL EXCLUDING LIQUOR OFFENCES		TOTAL	
	#	%	#	%	#	%
Male	959	(83.8)	292	(92.1)	1251	(85.6)
Female	185	(16.2)	25	(7.9)	210	(14.4)
TOTALS	1144	(100.0)	317	(100.0)	1461	(100.0)

$x^2 = 13.8$ df = 1 $p < 0.001$

**Liquor offences not included in this table are: intoxicated in a public place, selling liquor to a minor and having liquor in a place other than a residence.*

When offences which are alcohol-related by definition (e.g. drunk in public place, liquor other than a residence, etc.,) are excluded from the alcohol-related group, the above finding does not change, (Table 5), further indicating that all alcohol-related crimes are more of a male phenomenon than are non-alcohol related offences.

Records for Prior Criminal Code Offences

The Hamilton-Wentworth Regional Police have set up a criminal file for those persons who have committed any indictable offence. Offenders with summary convictions only, and no indictable offences, are not considered in this filing system to have a criminal record. Based on this operational definition, 23.2% of the suspects of offences involving alcohol and 25.1% of the non-alcohol group had such previous records, thus indicating no significant difference between the two groups of suspects on this dimension.

TABLE 6

PREVIOUS CRIMINAL CODE RECORDS OF ACCUSED PERSONS IN THE NON-ALCOHOL AND ALCOHOL OFFENCE GROUPS

	OFFENCE GROUPS					
	NON-ALCOHOL		ALCOHOL		TOTALS	
	#	%	#	%	#	%
Record of Previous Indictable Offences	286	(25.1)	194	(23.2)	480	(24.3)
No Record of an Indictable Offence	852	(74.9)	642	(76.8)	1494	(75.7)
TOTALS	1138	(100.0)	836	(100.0)	1974	(100.0)

$x^2 = 0.97$ df = 1 not statistically significant.

Prior records for indictable offences were much more likely to exist among the men in the sample than among the women. However, within the Alcohol Group, 20% of the 56 women had such records, compared with only 10% of the 184 women in the Non-Alcohol Group. Thus, it appears that women who are suspected of crimes where alcohol is present are more likely repeaters than are female suspects of crimes not involving alcohol. No such differences in the prior criminal code records exist among men.

Further Analysis of Occurrences with Alcohol Present

The remainder of this report will focus primarily on the processing of offences of the Alcohol Group identified above, including the liquor offences as well as the crimes against persons, property and miscellaneous categories. Some data comparing the Alcohol and Non-Alcohol Groups are presented.

IMPACT ON THE POLICE

Time of offence

Although offences with alcohol present were reported at all hours of the day and night, over half (59.1%) occurred during the night between 9:00 p.m. and 3:00 a.m. Between 4:00 a.m. and 3:00 p.m. these offences were less likely, but then began increasing at 4:00 p.m. (See Table 7.) The peak days of the week, as expected, were Friday and Saturday nights. (See Table 8.) However, aside from Monday which showed a much lower proporation of such offences and Saturday with a much higher proportion, Tuesday through Friday tended to show only slight variation. The high rate for Sunday was largely attributable to the "spill-over" from Saturday night to early Sunday morning. The majority of offences with alcohol present occurred in police districts in the core area of Hamilton.

TABLE 7

TIME OF OFFENCE BY HOUR OF DAY FOR ALL CONFIRMED OFFENCES IN THE ALCOHOL GROUP

TIME OF DAY	OFFENCES	
	#	%
9:00 p.m.	59	(7.1)
10:00	42	(5.1)
11:00	64	(7.7)
12:00	59	(7.1)
1:00 a.m.	91	(11.0)
2:00	112	(13.5)
3:00	63	(7.6)
4:00	31	(3.7)
5:00	12	(1.4)
6:00	7	(0.8)
7:00	3	(0.4)
8:00	5	(0.6)
9:00	4	(0.5)
10:00	6	(0.7)
11:00	18	(2.2)
12:00	13	(1.6)
1:00 p.m.	15	(1.8)
2:00	21	(2.5)
3:00	12	(1.4)
4:00	44	(5.3)
5:00	32	(3.9)
6:00	30	(3.6)
7:00	38	(4.6)
8:00	49	(5.9)
TOTALS ALL TIMES	830	(100.0)

TABLE 8

ALCOHOL-RELATED OFFENCES BY DAY OF WEEK OF COMMISSION

DAY	#	%
MONDAY	56	6.6
TUESDAY	118	13.9
WEDNESDAY	104	12.3
THURSDAY	109	13.5
FRIDAY	127	15.0
SATURDAY	199	23.6
SUNDAY	125	14.8
UNCERTAIN	5	.5
TOTALS	843	(100.0)

Method of Police Clearance

From information given on the General Occurrence Reports, each suspect was classified as being dealt with by "charge", "otherwise", or "unfounded", depending on the method of police clearance. "Otherwise" indicates the use of police discretion or some form of diversion, such as to a detoxification centre. (As noted earlier, "unfounded" simply refers to those cases where the investigating police officer determined through investigation that no criminal offence had occurred.)

Half of all the cases were resolved with the laying of a charge, this being more likely in the Alcohol Group. As indicated in Table 9 below, 571 or 60% of the 960 people investigated in the Alcohol Group were subsequently charged by police with an offence. This compares with a 43% charge rate for 1245 suspects in the Non-Alcohol Group.

TABLE 9

CLEARANCE METHODS BY POLICE FOR SUSPECTS IN ALCOHOL AND NON-ALCOHOL GROUPS

CLEARANCE METHODS	OFFENCE GROUPS					
	ALCOHOL		NON-ALCOHOL		TOTAL	
	#	%	#	%	#	%
CHARGED	571	(59.5)	529	(42.5)	1100	(49.9)
OTHERWISE	272	(28.3)	615	(49.4)	887	(40.2)
UNFOUNDED	117	(12.2)	101	(8.1)	218	(9.9)
TOTALS	960	(100.0)	1245	(100.0)	2205	(100.0)

Most of the charges which were laid for offences with alcohol present (81.5%) were for liquor offences. Table 10 below gives a general breakdown of the types of offences for which charges were laid, in both the Alcohol and Non-Alcohol Groups. Despite the fact that 18% of all the offences in the Alcohol Group were against persons, only 5.1% of the charges laid were in this category, indicating perhaps that there is greater difficulty in obtaining necessary evidence in these cases as compared to liquor offences. Excluding liquor offences from consideration, 48% of the suspects in the alcohol group involved offences against persons with only 28% of the charges laid in this category.

TABLE 10

OFFENCE CATEGORIES WHICH RESULTED IN CHARGES FOR THE ALCOHOL GROUP ONLY

OFFENCE CATEGORIES	CHARGED	
	#	%
AGAINST PERSONS	29	(5.1)
AGAINST PROPERTY	22	(3.9)
MISCELLANEOUS	54	(9.5)
LIQUOR	463	(81.5)
TOTALS	569	(100.0)

In cases involving charges, 95% resulted in only one charge stemming from an occurrence. The higher rate of laying charges for the crimes involving alcohol was largely the result of the offence of public drunkenness, in which 87.9% of the 399 suspects were charged. In fact, when liquor offences were excluded from the analysis the charge rate for the Alcohol Group dropped from 60% to only 31.8%, or much less than the comparable rate (43%) for Non-Alcohol Group. Thus, by comparing offence categories of the Alcohol and Non-Alcohol Groups, there appears to have been a tendency for the police to exercise more discretion with offenders who they felt were under the influence of alcohol than with those who appeared sober. However, if an individual was caught committing a liquor offence (e.g. public drunkenness or liquor other than a residence), there was a good chance that the case would be cleared by laying a charge.

Legislative Jurisdiction

If the offences for which formal charges were laid are considered from the standpoint of legislative jurisdiction, the majority of cases in the Alcohol Group would fall under Ontario Provincial laws. Table 11 gives a breakdown of the legislative jurisdiction for alcohol-related cases in which suspects were charged.

TABLE 11
LEGISLATIVE JURISDICTION FOR ALCOHOL CASES IN WHICH SUSPECTS WERE CHARGED

	#	%
FEDERAL (NON-DRUG)	86	(15.1)
ONTARIO PROVINCIAL	468	(82.0)
NARCOTIC CONTROL ACT	7	(1.2)
FOOD AND DRUG ACT	3	(0.5)
UNKNOWN	7	(1.2)
TOTALS	571	(100.0)

IMPACT OF CASES INVOLVING ALCOHOL ON COURT RESOURCES

The 571 suspects involved in the offences with alcohol present faced a total of 637 charges. In 29 of these cases a suspect faced two or more charges. The Crown proceeded by indictment in 11 cases; the remainder were treated summarily.

About 9% of those charged by police or private citizens subsequently had the most serious charge against them withdrawn prior to trial. (See Table 12.) This figure varies greatly, depending on the general type of offence, ranging from a 57.1% withdrawal rate for crimes against the person to only 1.4% withdrawal rate for liquor offences. Police report that it is not unusual for private citizens who lay charges against others to later withdraw the complaint.

TABLE 12
OFFENCE CATEGORIES, BY PROCESSING OR WITHDRAWAL OF THE MOST SERIOUS CHARGE AGAINST EACH SUSPECT

SUSPECTS CHARGED	OFFENCE CATEGORIES									
	AGAINST PERSONS		AGAINST PROPERTY		MISCEL-LANEOUS		LIQUOR		TOTALS	
	#	%	#	%	#	%	#	%	#	%
MOST SERIOUS CHARGE WITH-DRAWN	16	(57.1)	6	(31.6)	19	(35.2)	6	(1.4)	47	(100.0)
MOST SERIOUS CHARGE NOT WITH-DRAWN	12	(42.9)	13	(68.4)	35	(64.8)	409	(98.6)	469	(100.0)
TOTALS	28	(100.0)	19	(100.0)	54	(100.0)	415	(100.0)	516	(100.0)

Of all the cases that went to trial, only one resulted in a "not guilty" verdict. However, 48 cases were adjourned *sine die*. One person chose to appeal his guilty verdict, and this case was still in progress. For most cases where the accused was found guilty, an option of jail or a fine was given. For 307 charges all or part of the fine was paid which amounted to a total of $7,260 actually collected. In addition $783 in court costs were assessed and collected.

Remands of court cases appear to contribute to the costs of processing alcohol offenders in the courts. These are largely due to offences with alcohol present in the three offence categories excluding liquor offences. The 571 persons charged had a combined total of 657 remands. Only 7% of those with charges for liquor offences were remanded, compared with 70% for all other offences with alcohol present. Those offenders who faced charges other than for liquor offences were remanded on the average of about 5 or 6 times. Table 13 compares the number of remands with general categories of offences for suspects.

TABLE 13

NUMBER OF REMANDS FOR SUSPECTS IN THE ALCOHOL GROUP BY THE OFFENCE CATEGORY OF CHARGE

SUSPECTS CHARGED WITH OFFENCE CATEGORIES	NUMBER OF SUSPECTS IN REMAND CATEGORIES				TOTAL CHARGED
	0 REMANDS #	1 TO 5 REMANDS #	6 TO 10 REMANDS #	OVER 10 REMANDS #	
Against the Person	6	12	7	4	29
Against Property	5	9	7	2	23
Miscellaneous	21	23	7	3	54
Liquor	432	33	0	0	465
TOTALS	464	77	21	9	571

IMPACT OF CASES INVOLVING ALCOHOL ON PROBATION AND INSTITUTIONAL RESOURCES

The 637 charges stemming from alcohol-related occurrences resulted in the serving of 95 suspended sentences and 8 probation sentences. A considerable amount of police and jail resources was devoted to holding alcohol offenders in

custody until they sobered up, or until their first court appearance. About one in four of the suspects in the Alcohol Group who was charged was also held in full custody until the first court appearance. Many of these individuals were lodged overnight in police cells or at the Hamilton Jail and appeared before a Justice of the Peace early the next morning. About 44% of those charged were held in "partial custody" until they sobered up, and were then either released on bail, or on a "Promise to Appear" notice after a short stay in jail.

Table 14 gives the distribution of pre-court appearance conditions for all those charged with offences involving the presence of alcohol. Of those who were held in custody prior to sentencing, the great majority (95.9%) spent less than 24 hours in custody. However, there were three suspects who spent more than one month in jail prior to a court verdict. The length of custody for different types of offences is illustrated in Table 15.

For those suspects found guilty, a total of 80 persons chose or were ordered to serve all or part of their sentences in an institution. These people spent a total of 2,116 days of their sentence in custody, or an average of almost four weeks per person. The total time in custody resulting from the 843 confirmed alcohol-related occurrences including time in jail prior to sentencing was 2,739 prison days, or about 3.2 days per person.

TABLE 14

PRE-COURT APPEARANCE CONDITIONS FOR SUSPECTS CHARGED IN THE ALCOHOL GROUP*

PRE-COURT APPEARANCE CONDITIONS	#	%
Non-Custody	174	(30.8)
Partial Custody	249	(44.1)
Full Custody	142	(25.1)
Unknown	6	–
TOTALS	571	(100.0)

* – Non-Custody *indicates that the accused was given a ticket or otherwise released without being held in custody.*

– Partial Custody *means that the accused was held in custody, but was released prior to his court appearance either on bail or on a "Promise to Appear" notice.*

– Full Custody *means that the accused was held in custody until his or her first court appearance.*

TABLE 15

GENERAL TYPE OF OFFENCE
BY LENGTH OF CUSTODY PRIOR TO SENTENCING

PERIOD IN CUSTODY	TYPE OF OFFENCE				TOTAL
	Against Person	Against Property	Misc. Offences	Liquor Offences	
Less than 24 hrs.	5	7	1	361	374
1 day to 1 week	3	0	1	7	11
More than 1 week	0	2	3	0	5
TOTALS HELD IN CUSTODY	8	9	5	368	390

DISCUSSION AND IMPLICATIONS

The data presented in this report represent only an exploratory analysis of both the feasibility of collecting information on alcohol-related occurrences and the impact of alcohol on the criminal justice system. The limitations of the study must be considered before any general conclusions can be drawn. These limitations stem from the facts that: (1) a short-time span was examined; (2) research time constraints precluded full assessment of the resources of the criminal justice system utilized for processing the occurrences identified; (3) only one region was studied; and (4) the identification of alcohol as a factor was dependent on police reports which may reflect subjective factors. It is felt that these factors make estimates of alcohol involvement conservative. Furthermore, alcohol being present does not mean that there is a causal relationship between it and the offence.

In terms of the time period studied, a six-week period in the early spring was chosen as an indicator of activity during a moderate time period, and does not reflect either the peak summer months or the most slack periods during the winter months.

The constraints imposed by the time available for conducting the research (four months) narrowed the scope of the investigation. Because of the large sample of occurrences reviewed in the limited time available for the exploratory study, it was impossible to get a detailed account of the total criminal justice resources which were directed towards the processing of the offenders in the Alcohol Group.

In order to trace such details of the police investigation through various phases, a thorough understanding of investigative procedures and a knowledge of the Hamilton-Wentworth Police Department would have been necessary. Similarly, it was not possible, within the same short period of time, to determine the precise nature and extent of resources devoted to individual offenders while in custody. Many offenders undoubtedly participated in a wide range of social services and voluntary programs offered at the Hamilton Jail. In examining the court process,

no attempt was made to determine, for example, how long trials lasted or how many court officials were involved in processing different types of cases, or to what extent their services were required. This type of in-depth analysis of resource allocation is possible with detailed preparation. If undertaken it would have limited this study to a very small sample, which may not have been reflective of the total situation of a cross-section of offences or cases.

The Hamilton-Wentworth Region was chosen as the first area studied because it was considered to be typical of other urban communities in Southern Ontario in terms of the general criminal justice situation. However, it was learned that in Hamilton special emphasis had been placed on trying to identify offenders with alcohol problems in order to direct them to the health and/or social service networks where they might receive treatment. This could account for some of the findings concerning specific liquor offences. One report by the Addiction Research Foundation, (Annis & Liban, 1975), states that "a moderate increase in the rate of public drunkenness offences in Hamilton, can be seen to have taken place in 1974", after six years with a stable rate of such offences, "perhaps reflecting an increase in attention paid by police to this offender population."

In 1974 a pilot project was introduced into the special Liquor Court which exists in Hamilton to handle public drunkenness cases in order to seek ways of referring such individuals to various treatment agencies, in some cases prior to sentencing. Although this program did not obtain a full-time coordinator until October 15, 1975, well after the occurrences in this study were reported, the pilot project and follow-up activities were in operation and may partially explain the large number of liquor offences brought to the attention of the criminal justice system. The increased probability of treatment possibly made police more inclined to take action. Investigations elsewhere in Ontario could show some other result with regard to the proportion of liquor offences.

The definition of alcohol involvement revolves around police reporting. It was assumed that any subjective factors influencing whether or not alcohol was recorded as present by police would balance themselves out, given a large enough sample, but that, in any type of situation, police would be unlikely to report the presence of alcohol without adequate evidence of its presence. These assumptions cannot be tested at this time.

Despite the above limitations in this study, it is, nevertheless, significant that as large a proportion as 43% of the crimes against persons reported during the six-week study period involved alcohol in some way. It is likewise significant that if the liquor offences are removed from consideration, almost half of the remaining offences in which alcohol was present were offences against persons. These data leave no question that the presence of alcohol is involved in a large proportion of indictable offences. It also appears that the suspects of offences in which alcohol is present do not differ dramatically from other suspects except in a tendency to be older.

In the processing of suspects of offences involving alcohol during the period studied, the criminal justice system clearly differentiated between Provincial Liquor Offences and Criminal Code Offences. Suspects involved in liquor offences (defined per se by alcohol) were much more likely to be charged, (these charges under the Provincial Statutes), than were suspects in other offences were alcohol was present.

Charges for liquor offences were not usually withdrawn, whereas over half the charges involving crimes against persons were later withdrawn, possibly by the complainant laying the charge. Remands were far more likely *if the case was* **not** *a liquor offence*; and full or partial custody prior to sentencing was more probable, *if the case was a liquor offence.*

It would not be fair to infer that the criminal justice system is dealing more harshly with liquor offenders than with those committing the other types of offences in which alcohol was present. The larger proportion of liquor offenders who were held in some pre-court appearance custody, more quickly processed through the system, and sentenced, may simply reflect the reality that less doubt exists in liquor offences about the circumstances of the offence and the suspects' guilt or innocence than in other offences. For Criminal Code offences, the presence of alcohol may in fact complicate the investigative and adjudicative processes.

The evidence supports the fact that individuals suspects of liquor offences are much more likely than are others in the Alcohol Group to go through all stages of the process in a shorter time period, possibly to re-enter the system in a "revolving door" process, common in public drunkenness cases. Suspects of more serious crimes in which alcohol is present are more likely than suspects of liquor offences, to remain in the community during a longer, and perhaps incomplete, flow through the system. Generally, there is adequate evidence that the number of occurrences in which alcohol is present represents a significant proportion of the total demand made on available police and court resources in the Hamilton-Wentworth Region.

Further examination of the exact nature and extent of police, court and corrections resources required to process different types of offences involving alcohol may be warranted. One approach might be to obtain a more precise estimation of the particular demand made on the system by occurrences of the aggressive-type offences compared with liquor offences. It might be useful to assess the demand on resources made by cases involving aggressive behaviour, comparing those cases with alcohol present and cases where no alcohol is reported.

The data obtained in this investigation have been adequate to provide some measure of the impact of alcohol on the system. Because individual occurrence reports had to be reviewed and police comments assessed, before a sample of alcohol-related occurrences could be identified, the process of obtaining such a measure even for a six-week period was very time-consuming. The court resources used in processing this sample were able to be measured only after considerable examination of the particular court filing processes. Since the information available and filing systems differ, from one police force to another, and among courts, the process developed for studying alcohol involvement in this region may not necessarily be appropriate or possible if a similar study were to be repeated elsewhere. Future studies in the Hamilton-Wentworth Region would be much simpler, since the police themselves began coding occurrence reports for alcohol involvement in April, 1976. However, where this approach is not taken in pre-coding data, it may be advisable to consider some way of including alcohol involvement as a regular item of information before attempting to study the impact of such offenders on the resources of the system.

APPENDIX A

REPORTED INFORMATION ON VICTIMS OF OFFENCES IN WHICH ALCOHOL WAS PRESENT*

1. SEX OF VICTIM OF VIOLENT OR THREATENING BEHAVIOUR:

	#	%
MALE	79	(41.6)
FEMALE	111	(58.4)
TOTALS	190	(100.0)

2. AGE OF VICTIM OF VIOLENT OR THREATENING BEHAVIOUR:

AGE IN YEARS	#	%
1 – 15	6	(3.4)
16 – 19	8	(4.6)
20 – 24	38	(21.8)
25 – 29	28	(16.1)
30 – 34	20	(11.5)
35 – 39	19	(10.9)
40 – 44	21	(12.1)
45 – 49	13	(7.5)
50 – 54	9	(5.2)
55 +	12	(6.9)
TOTALS	174	(100.0)

**Some tables do not total 190 because the specific information on the victim was not available.*

3. REPORTED MARITAL STATUS OF VICTIMS OF VIOLENT OR THREATENING BEHAVIOUR:

	#	%
SINGLE	61	(35.9)
MARRIED	66	(38.8)
COMMON LAW	20	(11.8)
DIVORCED	2	(1.2)
SEPARATED	20	(11.8)
WIDOWED	1	(0.6)
TOTALS	170	(100.0)

4. SOBRIETY OF THE VICTIMS OF VIOLENT OR THREATENING BEHAVIOUR:

	#	%
SOBER	75	(40.3)
HAD BEEN DRINKING	85	(45.7)
INTOXICATED	26	(14.0)
TOTALS	186	(100.0)

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